



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Ecology AO # 07-05

☒ Preproposal Statement of Inquiry was filed as WSR 07-04-055 ; or☐ Expedited Rule Making--Proposed notice was filed as WSR _____ ; or☐ Proposal is exempt under RCW 34.05.310(4).☒ Original Notice☐ Supplemental Notice to WSR _____☐ Continuance of WSR _____

Title of rule and other identifying information: (Describe Subject)

Chapter 173-900 WAC Electronic Product Recycling Program and the following sections from the Dangerous Waste regulations WAC 173-303-040 Definitions and WAC 173-303-071 Excluded categories of waste.

Hearing location(s):**August 21, 2007 1:30 PM**

WA State Dept. of Labor and Industries

15 West Yakima Ave Suite 100

Yakima, WA

August 23, 2007 1:30 PM

WA State Dept. of Ecology - Northwest Regional Office

3190 - 160th Ave. SE

Bellevue, WA

Submit written comments to:

Name: Jay Shepard

Address: Department of Ecology

Solid Waste and Financial Assistance Program

PO Box 47600

Olympia, WA 98504-7600

e-mail WA-recycles-electronics@ecy.wa.gov

fax (360) 407-6102 by 5:00 PM August 30, 2007

Assistance for persons with disabilities: Contact Michelle Payne

Voice: (360) 407-6109 TTY: (360) 407-6006

Date of intended adoption September 26, 2007

(Note: This is NOT the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

The rule proposal includes the following amendments to WAC 173-900:

- Electronic Product Recycling Plan content and submission requirements;
- Performance standards for electronic product processors used directly by plan operators, collectors and transporters;
- Recycling service level standards;
- Reporting processes and requirements for plan operators, local governments, local communities, processors, collectors and transporters;
- Registration requirements and process for processors;
- Collector standards;
- Process for establishing return share and equivalent share of responsibility for manufacturers;
- A sampling methodology to be used by all plan operators to provide Ecology data to establish return shares;
- Requirements for the Materials Management and Finance Authority;
- Warnings, penalties, and violations, associated with these requirements; and
- Other requirements necessary to implement Chapter 70.95N RCW.

The rule proposal includes the following amendments to WAC 173-303:

- Amendments to include an exemption for cathode ray tubes (CRTs) in televisions and monitors from chapter 173-303 WAC if the requirements are met.

Statutory authority for adoption: Chapter 70.95N RCW

Electronic product recycling, Chapter 70.105 RCW Hazardous waste management, and Chapter 70.105D RCW Hazardous waste cleanup - Model toxics control act.

Statute being implemented: Chapter 70.95N RCW Electronic Product Recycling**Is rule necessary because of a:**

Federal Law?

☐ Yes ☒ No

Federal Court Decision?

☐ Yes ☒ No

State Court Decision?

☐ Yes ☒ No

If yes, CITATION:

DATE

7/11/07

NAME (type or print)

Polly Zehm

SIGNATURE

TITLE

Deputy Director, Department of Ecology

CODE-REVISER-USE-ONLYCODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

JUL 12 2007

TIME

WSR

AM

PM

(COMPLETE REVERSE SIDE)

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

N/A

Name of proponent: (person or organization) Department of Ecology

- ☐ Private
☐ Public
☒ Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Jay Shepard	Lacey, WA	(360) 407-7040
Implementation..... Peter Lyon	Lacey, WA	(360) 407-6107
Enforcement..... Peter Lyon	Lacey, WA	(360) 407-6107

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

☒ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name: Jay Shepard

Address: Department of Ecology
Solid Waste and Financial Assistance Program
PO Box 47600
Olympia, WA 98504-7600

phone (360) 407-7040

fax (360) 407-6102

e-mail WA-recycles-electronics@ecy.wa.gov

☐ No. Explain why no statement was prepared.

Is a cost-benefit analysis required under RCW 34.05.328?

☒ Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name: Jay Shepard

Address: Department of Ecology
Solid Waste and Financial Assistance Program
PO Box 47600
Olympia, WA 98504-7600

phone (360) 407-7040

fax (360) 407-6102

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☐ No: Please explain: